

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

R.R. STREET & CO. INC. and)
NATIONAL UNION FIRE INSURANCE)
COMPANY OF PITTSBURGH, PA,)
individually and as subrogee of R.R. Street)
& Co. Inc.,)
Plaintiffs,) Case No. 1:08-cv-01182
v.)
The Honorable Virginia M. Kendall
VULCAN MATERIALS COMPANY, n/k/a)
LEGACY VULCAN CORP.,)
Defendant.)

NOTICE OF MOTION

To: Bryan G. Schumann, Esq.
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Chicago, Illinois 60606-2511

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Stephen M. Loftin, Esq.
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Houston, Texas 77002

PLEASE TAKE NOTICE that at 9:00 a.m., on Thursday, May 15, 2008, we shall appear before the Honorable Virginia M. Kendall, or anyone sitting in her place and stead, in Room 2319, 219 South Dearborn Street, Chicago, Illinois 60604, and shall then and there present Legacy Vulcan Corp.'s Motion to Dismiss or, in the Alternative, Stay the Complaint, a copy of which is attached and herewith served upon you.

Dated: May 2, 2008

Respectfully submitted,

/s/Richard C. Godfrey, P.C.

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*Attorneys for Defendant Vulcan Materials
Company, n/k/a Legacy Vulcan Corp.*

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Defendant Vulcan Materials Company, hereby certifies that, on May 2, 2008, he caused a true and correct copy of the foregoing Notice of Motion to be filed electronically pursuant to the Court's ECF System, which will service notice upon all counsel of record.

/s/Richard C. Godfrey